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SERVICE DATE - JULY 20, 1998

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-103 (Sub-No. 11X)

THE KANSAS CITY SOUTHERN RAILWAY COMPANY--ABANDONMENT EXEMPTION-
-IN HEMPSTEAD, LAFAYETTE AND COLUMBIA COUNTIES, AR

Decided: July 16, 1998

On January 9, 1998, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for the Director of Parks, Recreation and Tourism for the City of Hope, AR (HPRT) to negotiate an interim trail use/rail banking agreement with the Kansas City Southern Railway Company (KCS) for its line of railroad between milepost 4.00 at or near Hope, and milepost 46.78 at the Arkansas-Louisiana State Line, a distance of 42.78 miles, in Hempstead, Lafayette and Columbia Counties, AR. The negotiation period under the NITU expired on July 8, 1998.¹

By letter dated July 7, 1998, HPRT filed a request to extend the negotiation period for an additional 180 days. HPRT states that it is continuing to negotiate with KCS for an interim trail use/rail banking agreement. By letter filed July 8, 1998, KCS states it supports the extension request.²

Because KCS is willing to continue trail use negotiations with HPRT and an extension of the negotiation period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), the requested extension of the negotiation period under the NITU will be granted. The purpose of the Trails Act is to preserve rail corridors for possible reactivation of rail service by permitting and encouraging their interim use as recreational trails. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990).

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ The notice of the exemption under 49 CFR 1152 Subpart F--Exempt Abandonments was served and published in the Federal Register on June 4, 1997 (62 FR 30667).

² The official filing date of the HPRT letter was July 14, 1998, but KCS was clearly aware of it earlier than that, as reflected by its response filed on July 8, 1998.

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It is ordered:

1. The negotiating period under the NITU is extended to January 4, 1999.
2. This decision is effective on the service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams
Secretary